

# **Exhibit A**

**From:** [Carter, Charles](#)

**Sent:** Wednesday, December 22, 2021 6:05:00 PM

**To:** [Keith Otto](#); [keithottomba@gmail.com](mailto:keithottomba@gmail.com)

**Cc:** [Vernon, Trudy](#); [Moore, Kim S.](#)

**Bcc:** [B2723\\_399445\\_Keith Otto UE 167321\\_Collin County Community College District Communications](#)

**Subject:** RE: Rule 26(f) Conference in Otto v. Collin College, No. 4:21-CV-00948-ALM-CAN

**Sensitivity:** Normal

---

Good evening Mr. Otto,

I appreciate your email regarding the timing of the Rule 26(f) conference.

As I mentioned on the phone yesterday, I want to work with you so that we comply with the Court's Order Governing Proceedings (Dkt. 12, the "Order") in a timely manner, but I also cannot provide you with any legal advice or counsel.

For clarity's sake, please allow me to address your concerns in turn:

1. *"I have not consented to trial before a magistrate, so it would be discourteous to take up the Magistrate's time at this time;"*
  - a. We have also not consented to trial before a magistrate at this time.
  - b. In the interest of timely compliance with the Court's Order, I will represent to you that Magistrate Judge Nowak's authority to hear pre-trial matters in our case does not depend on either of us consenting to a trial before a magistrate.
2. *"Additionally, December 27, 2021, I believe, is an Official holiday. Moreover, both of my daughters are usually far away at University, but will be visiting for a short time;"*
  - a. You are correct that December 27, 2021 is an official holiday.
  - b. Per Rules 6 and 26(f)(1) of the Federal Rules of Civil Procedure, I would be happy to move our Rule 26(f) conference call to December 28, 2021 by close of business (5:00 PM CST).
3. *"Further, preparing for a formal meeting requires access to legal treatises which are not now at hand. For example, the key Law Library of which I am aware is not accessible to me or the general public at this time;"*
  - a. When we discussed this issue on the phone yesterday, I informed you that the requirements for our Rule 26(f) conference are listed in the Court's Order (which I attached to my original email to you). I understood that you wished to review Rule 26 for yourself, and you indicated that you would consult online versions of the Federal Rules of Civil Procedure and specifically referenced the free and publicly available version of the Federal Rules on Cornell's website.
  - b. During our call yesterday, you informed me that you tried to access SMU's law library and that it was not open to the public. However, I called the library this afternoon and the librarian informed me that the library would be open to the public (including those without bar cards or SMU ID cards) until 6 PM tonight, but that it would be closed until the new year.
  - c. The Court's webpage for *pro se* litigants includes links to free online versions of the Federal Rules of Civil Procedure and the Local Rules of the Eastern District—as well as information about other law libraries: <https://www.txed.uscourts.gov/?q=pro-se-litigants>.
4. *"Additionally, before a formal meeting, I need to know whether your Client agrees that they have been properly served with notice of my Complaint and if not, please provide me the name, and address of the person who they claim as authority to receive notice of my Complaint;"*
  - a. Whether my client agrees that it has been properly served does not change our obligation to abide

by the Court's Order.

- b. In the interest of timely compliance with the Court's Order, I will represent to you that we are not challenging service at this time.
5. *"In light of these matters noted above, please advise me whether your Client agrees to extend by a least a month each of the deadlines set before Magistrate "Christine A. Nowak" Order Governing Proceedings;"*
  - a. Although I would love to work with you to reach an agreement to push these deadlines, we cannot unilaterally agree to move these deadlines.
  - b. Should you decide to request a continuance, I will not oppose a one-time, 30-day request for a continuance if such a request is made prior to the entry of a scheduling order. This would be something you would need to do with the Court.
6. "After all and lastly, please acknowledge receipt of this email. Please confirm no later than December, 24th 2021 receipt of this email to you."
  - a. Acknowledged.

While I understand the inconvenience of your current situation, on behalf of our client we will timely comply. Please let me know if you wish to continue with our original agreement to hold our Rule 26(f) conference via phone at 9:30 AM on December 27, 2021 or if you wish to move it to a time most convenient for you on December 28, 2021. If I do not hear from you, I will call you at 9:30 AM on December 27, 2021 per our original agreement. If you decline to participate in a Rule 26(f) conference with me by close of business on December 28, 2021, I will proceed with filing a report with the court. If you are declining participation in a timely Rule 26(f) conference with me, please let me know in writing.

It is my sincere wish that we will be able to hold a timely Rule 26(f) conference and submit a collaborative joint report to the Court.

Thanks,

Chas

---

**From:** Keith Otto <kvotto@gmail.com>  
**Sent:** Wednesday, December 22, 2021 12:40 PM  
**To:** Carter, Charles <ccarter@clarkhill.com>; keithottomba@gmail.com  
**Cc:** Vernon, Trudy <TVernon@ClarkHill.com>; Moore, Kim S. <KSMoore@clarkhill.com>  
**Subject:** RE: Rule 26(f) Conference in Otto v. Collin College, No. 4:21-CV-00948-ALM-CAN  
**Importance:** High

[External Message]

Hello Charles, hope all is well.

Our meeting on December 27<sup>th</sup>, 2021 seems inappropriate for the following reasons:

1. I have not consented to trial before a magistrate, so it would be discourteous to take up the Magistrate's time at this time;
2. Additionally, December 27, 2021, I believe, is an Official holiday. Moreover, both of my daughters are usually far away at University, but will be visiting for a short time;
3. Further, preparing for a formal meeting requires access to legal treaties which are not now at hand. For example, the key Law Library of which I am aware is not accessible to me or the general public at this time;
4. Additionally, before a formal meeting, I need to know whether your Client agrees that they have been properly served

- Thank You, Talk to You Soon**

[illegible][illegible]

**From:** Carter, Charles  
**Sent:** Friday, December 17, 2021 4:10 PM  
**To:** [kvotto@gmail.com](mailto:kvotto@gmail.com); [keithottomba@gmail.com](mailto:keithottomba@gmail.com)  
**Cc:** Vernon, Trudy <[TVernon@ClarkHill.com](mailto:TVernon@ClarkHill.com)>; Moore, Kim S. <[KSMoore@clarkhill.com](mailto:KSMoore@clarkhill.com)>  
**Subject:** Rule 26(f) Conference in Otto v. Collin College, No. 4:21-CV-00948-ALM-CAN

Good afternoon Mr. Otto,

My name is Charles ("Chas") Carter and I am an attorney representing Collin College in the lawsuit you filed against the College (Civil Action No. 4:21-CV-00948-ALM-CAN). I left a voicemail on your cell just a few minutes ago, but I wanted to follow up via email as well.

First, if you have engaged counsel to represent you in this lawsuit, please let me know as soon as possible so that I can communicate with your counsel.

If you are continuing to represent yourself, then we need to hold a Rule 26(f) Conference per the Court's Order Governing Proceedings by December 27, 2021 (attached). As outlined in the attached Order, the goal of the Rule 26(f) Conference is to attempt to agree on a proposed scheduling order and a related joint report. If we agree, then our joint report and proposed scheduling order will be due on January 10, 2022. If we can't reach an agreement, we will have to file separate reports and proposed scheduling orders by January 10, 2022. I hope that we can have a productive conference and submit a joint report and proposed scheduling order.

Is there a time next week that works well for you to have this Rule 26(f) Conference via phone? I am generally open through next week through Friday morning, so please let me know what is best for you.

If I don't hear from you by noon (CST) on Tuesday, December 21, 2021, I will call you again that afternoon.

Thanks and have a great weekend,

Chas

**Charles Carter**

Attorney at Law

**Clark Hill**

2600 Dallas Parkway, Suite 600, Frisco, Texas 75034

+1 469.287.3933 (office) | +1 469.227.6555 (fax)

[ccarter@clarkhill.com](mailto:ccarter@clarkhill.com) | [www.clarkhill.com](http://www.clarkhill.com)